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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,034	08/29/2000	Brian Siegel	SNY-P4055.01	8387

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MILLER PATENT SERVICES
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EXAMINER	
SHIH, SALLY	

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Application No.	Applicant(s)	
	09/650,034	SIEGEL, BRIAN	
	Examin r	Art Unit	
	Sally Shih	3624	

-- Th MAILING DATE of this communication appears on the cov r sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 5, 2003 has been entered.

Status of Claims

2. Of the original claims 1-53, claims 54-57 have been added and cancelled and claims 1-4, 9, 12-17, 24, 30-31, 35, 39, 41, 43-46, 49-50 have been amended. Therefore, claims 1-53 are under prosecution in this application.

Summary of this Office Action

3. Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (United States Patent Number 6,119,933) in view of Boesch et al. (United States Patent Number 6,092,053).

Claims 1, 17 and 39: Wong et al. disclose a method, corresponding system and storage medium of tracking online credit card usage by a user of a general purpose personal computing device operating as an internet communication device, comprising monitoring entries made on a point-of-sale device using a computer program that operates as a background process while a foreground process is also carried out (abstract; col. 1, lines 22-30; col. 2, lines 10-15); wherein the foreground process comprises an internet communication process in which an online credit card transaction is being carried out by entry of information entries made by recognizing of a credit card number in the entries made (abstract; col. 1, lines 22-30; col. 2, lines 10-15); and upon recognizing an instance of a credit card transaction, automatically populating the web page with data stored in a user profile and storing information describing the credit card transaction in a database accessible by the POS device (col. 1, lines 44-55). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 2 and 18: Wong et al. disclose the retrieval of the information describing the credit card transaction from the database via a point-of-sale device (col. 1, lines 22-30; col. 2, lines 10-15). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 3 and 19: Wong et al. discloses matching an entry with a stored sixteen digit credit card number (col. 12, lines 10-15). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 4 and 20: Wong et al. disclose a point-of-sale device. However, Wong et al. did not teach the personal computing device comprises one of a personal computer, a personal digital assistant, a television set top box, a wireless telephone and an Internet appliance. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include

personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claim 5: Wong et al. discloses the information describing the credit card transaction comprises a monetary amount spent (col. 1, lines 63-67). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claim 6: Wong et al. discloses the information describing the credit card transaction comprises a date and time of the transaction (col.1, lines 63-67). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claim 7: Wong et al. discloses the information describing the credit card transaction comprises a merchant name with which the transaction was carried out (col. 1,lines 56-60). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device.

Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claim 8: Wong et al. discloses the information describing the credit card transaction comprises a user identifier (col. 1, lines 36-43). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 9, 21 and 40: Wong et al. discloses the information describing the credit card transaction comprises a monetary amount spent, a date and time of the transaction, and a merchant name with which transaction was carried out (col. 1, lines 56-67). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 10, 22 and 41: Wong et al. discloses carrying out a database function on the database. (See column 1, line 67 and column 2, lines 1-2). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 11, 23 and 42: Wong et al. discloses the database function comprises totaling a monetary value of a plurality of transactions. (See column 1, lines 63-67). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 12, 24 and 43: Wong et al. discloses that upon recognizing an instance of a credit card transaction, asking a user to verify confirm storage of information describing the credit card transaction prior to storing the information describing the credit card transaction in the database. (See column 12, lines 54-67). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have

been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims13 and 25: Wong et al. discloses that a database (abstract; fig.1 and associated text). However. Wong did not teach that the database is stored within the personal computing device. Boesch et al. teach the use of personal computing device with storage capacity (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims14 and 26: Wong et al. discloses that a database (abstract; fig.1 and associated text). However. Wong did not teach that the database is stored in a remote location. Boesch et al. teach that a database is stored in a remote location such as the consumer information server (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient

Claims 15, 28 and 44: Wong et al. discloses granting access to the database to a creditor; permitting the creditor to charge a monetary value as a credit card transaction, and permitting the creditor to enter the credit card transaction into the database (abstract; col. 12, lines 65-67).

However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims16, 29 and 45: Wong et al. discloses granting access to the database to a loyalty point provider (abstract; col. 12, lines 45-47). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claim 27: Wong et al. discloses that a database (abstract; fig.1 and associated text). However. Wong did not teach that the storage device is connected to a network file server. Boesch et al. teach that the storage device is connected to a network file server such as the consumer information server (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient

Claim 30: Wong et al. disclose a method, corresponding system and storage medium of tracking online credit card usage by a user of a general purpose personal computing device operating as an internet communication device, comprising monitoring entries made on a point-of-sale device using a computer program that operates as a background process while a foreground process is also carried out (abstract; col. 1, lines 22-30; col. 2, lines 10-15); wherein the foreground process comprises an internet communication process in which an online credit card transaction is being carried out by entry of information entries made by recognizing of a credit card number in the entries made (abstract; col. 1, lines 22-30; col. 2, lines 10-15); and upon recognizing an instance of a credit card transaction, automatically populating the web page with data stored in a user profile and storing information describing the credit card transaction in a database accessible by the POS device (col. 1, lines 44-55); if the user confirms storage of the information, storing information describing the credit card transaction in a database within the Internet communication device, the information describing the credit card transaction comprising a monetary amount spent, a date and time of the transaction, a merchant name with which the transaction was carried out, a description of the purchase, and a user identifier; retrieving the information describing the credit card transaction from the database via the personal computing device(abstract; col. 1, lines 22-30; col. 2, lines 10-15); carrying out a database function on the database, the database function comprising totaling a monetary value of a plurality of transactions; and wherein the personal computing device comprises one of a personal computer, a personal digital assistant, a television set top box, a wireless telephone and an internet appliance (abstract; col. 1, lines 22-30; col. 2, lines 10-15) .

However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 31 and 46: Wong et al. discloses a method of managing loyalty points, comprising: storing transactions on a computer database (Abstract, column 13, lines 3-15); receiving a request for access from a loyalty point provider; the user granting access to a database to the loyalty point provider (Abstract, column 13, lines 3-15); and the user receiving loyalty points based on the data stored (abstract, column 13, lines 3-15). However, Wong et al. did not specifically mention the use of electronic storage of information. Boesch et al. teach the use of storage information electronically to facilitate on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 32 and 47: Wong et al. discloses the transactions comprise credit card transactions for a plurality of credit cards (col. 1, lines 19-30). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated

text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 33 and 48: Wong et al. discloses that the loyalty points are provided on the basis of purchases of the product brand (col. 1, lines 32-35; col. 2, lines 5-10). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 34 and 49: Wong et al. discloses the transactions comprise credit card transactions for a plurality of credit cards; and wherein the loyalty points are provided on the basis of purchases of a product brand (col. 1, lines 32-43; col. 2, lines 5-10). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claim 35: Wong et al. discloses a method of managing loyalty points, comprising: requesting access from a user of the transactions made by the user (col. 12, lines 45-60); receiving access from the user of transactions made by a user (col. 12, lines 45-60); and granting loyalty points based on the data stored a database (col. 12, lines 45-60). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claim 36: Wong et al. discloses that the transactions comprise credit card transactions for a plurality of credit cards (col. 12, lines 45-67). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claim 37: Wong et al. discloses that the loyalty points are provided on the basis of purchases of a product brand (col. 1, lines 32-35; col. 2, lines 5-10). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et

al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claim 38: Wong et al. discloses the transactions comprise credit card transactions for a plurality of credit cards; and wherein the loyalty points are provided on the basis of purchases of a product brand (col. 1, lines 32-43; col. 2, lines 5-10). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 46 and 50: Wong et al. discloses a computer system, comprising carrying out a query of the computer database to determine purchases that qualify for loyalty points (col. 12, lines 45-60); and granting loyalty points based on the data stored in a database (col. 12, lines 45-60). However, Wong et al. did not specifically mention the use of personal computing system. Boesch et al. teach a processor having a central processing unit, an input device and memory (fig. 1 and associated text); the processor being programmed to perform the programmed steps of obtaining access to a computer database of transactions made by a user (fig. 1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal

computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 47 and 51: Wong et al. discloses the transactions comprise credit card transactions for a plurality of credit cards (col. 12, lines 45-67). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 48 and 52: Wong et al. discloses the loyalty points are provided on the basis of purchases of a product brand (col. 1, lines 32-35; col. 2, lines 5-10). However, Wong et al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Claims 49 and 53: Wong et al. discloses the transactions comprise credit card transactions for a plurality of credit cards; and wherein the loyalty points are provided on the basis of purchases of a product brand (col. 1, lines 32-43; col. 2, lines 5-10). However, Wong et

al. did not specifically mention the use of personal computing device as a point-of-sale device. Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig.1 and associated text). It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,101,486, USPN 6,606,602 B1, USPN 6,540,135 B1 and JP405081298A are cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys

HANI M. KAZIMI
PRIMARY EXAMINER